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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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09/269,837 04/26/99 JONES

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BOSE MCKINNEY & EVANS LLP
135 N PENNSYLVANIA ST
SUITE 2700
INDIANAPOLIS IN 46204

EXAMINER

WINSTEDT, J

ART UNIT

PAPER NUMBER

2872

DATE MAILED:

11/07/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

| | | |
|---------------------|--------------|--|
| Application No. | Applicant(s) | |
| 09/269,837 | Jones | |
| Examiner | Art Unit | |
| Jennifer E Winstedt | 2872 | |

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28 is/are allowed.
- 6) ☒ Claim(s) 22-27, 29-32, 37-40 and 42 is/are rejected.
- 7) ☒ Claim(s) 33-36 and 41 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

In a telephone interview, the applicant requested that the arguments and rejections be reconsidered. After further consideration, the examiner agrees with the arguments presented by the applicant regarding the final rejection of the claims. Therefore, final rejection mailed 4/23/01 is withdrawn, the after final amendment filed 08/27/01 is entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 29 and 30 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification state what "a manner similar to a clipboard" is. Is a clip needed to meet this limitation? If so, would the clip have to be at the top or can it be at the side of the content support portion?

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 22-25, 27, 29, 31, 32, 37-40, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (U.S. Patent 5,499,136) in view of Stevens (U.S. Patent 262,846)

Regarding claims 22, 32, 39, 40, and 42, Jones discloses a stereoscopic device comprising a content support portion (28C, Figure 31 and 27D, Figure 36), a handheld stereoscopic viewer (7C, Figures 29, 30, and 31 and 7D, Figure 36), and a viewer pivotal chassis (see Figures 29, 30, 31, and 36 and column 21, lines 43-51); the content support portion being configured to position and support textual, stereographic, and immersive content (column 7, lines 39-49 and column 17, lines 36-37); the content support portion being proportioned to convey, when the content support portion occupies a full field of view of the viewer when the viewer is at a position of focalization, content which is configured to convey four visual fields, including a left peripheral monocular field, a left binocular stereo field, a right binocular stereo field, and a right peripheral monocular field, respectively (column 7, lines 39-49 and 59-63); the viewer being configured to enable interocular adjustment, including adjustable left and right lenses (6C, Figure 30; 6D, Figure 36; column 19, line 66 – column 20, line 8; and column 21, lines 54-55) and occluding apertures (38A, Figure 14 and column 20, lines 3-4) configured to enable the right binocular stereo field and the right peripheral monocular field to be occluded from the left eye viewpoint and left binocular stereo field and left peripheral field monocular field to be occluded from the right eye viewpoint,

respectively (column 7, lines 23-27); the adjustable lenses and occluding apertures configured to facilitate interpupillary alignment with the content, to thereby enable fusion of the content of the left binocular stereo field with the content of the right binocular stereo field, to thus enable perception of a central binocular field of three dimensional content, and with alignment of the respective occluding apertures, to also enable perception of the left and right peripheral monocular fields of two dimensional content, so that the full field of view, as perceived after fusion, consists of three fields of content including the left and right peripheral monocular fields of two dimensional content interposed by the central binocular stereo field of three dimensional content (column 7, lines 15-50); the viewer pivotal chassis being compatibly configured with the viewer and the content support portion to enable the viewer pivotal chassis to couple to the viewer and the content support portion so that the viewer pivotal chassis is interposed between the viewer and the content support portion (see Figures 29, 30, and 36); the viewer pivotal chassis being configured to enable the viewer to be positioned in alignment with the content support portion and the content to facilitate perception of the content (see Figures 29, 30, and 36); the viewer pivotal chassis including a plurality of pivotal axes parallel to a line which bisects the left and right lenses of the viewer (10C, Figures 29 and 30 and 10D, Figures 34, 35, and 36), the axes being configured to enable a distance between the viewer and the content to be adjustable, so as to facilitate focalization (see Figures 29, 30, 34, and 35); and the viewer pivotal chassis axes also being configured to enable the viewer to function and be movable in a plane that is parallel to a plane common to the surface of the content so that the content is visually

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scannable with the viewer by moving the viewer in the plane up and down a length of the content while maintaining focus (see Figures 29, 30, 34, and 35); wherein the adjustable right and left lenses enable independent adjustment relative to respective occluding apertures (column 20, lines 3-4). Jones does not disclose the occluding apertures being adjustable, wherein the left and right adjustable occluding apertures enable independent adjustment relative to respective lenses. Stevens discloses occluding apertures that are adjustable, wherein left and right occluding apertures enable independent adjustment relative to respective lenses (h, Figures 1, 2, and 3 and page 1, lines 83-88). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the occluding apertures of Jones be adjustable, wherein left and right adjustable occluding apertures enable independent adjustment relative to respective lenses as Stevens suggests in order to allow an user, at their pleasure, to view either to all of the content or the right or left half alone (page 1, lines 19-23; Stevens).

Regarding claim 23, Jones in view of Stevens discloses that the content support portion is configured to position and support a page axis to enable a plurality of pages to be pivotable, the page axis being parallel to the line which bisects the left and right lenses of the viewer (2C, Figures 29 and 30 and 2D, Figures 34 and 35; Jones), each of the pages having first and second opposite surfaces, each of the surfaces being pivotally positionable to convey the content optically with the viewer (3C, 3C2, Figures 29 and 30 and 3D, 3D, Figures 34 and 35; Jones), so that two pivotally exposed page surfaces, which are adjacent to and opposite each other and disposed one on each side

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of the page axis, in an arrangement commonly known as two spread pages, are visually scannable with the viewer while maintaining focus (see Figures 29, 30, 34, and 35; Jones).

Regarding claim 24, Jones in view of Stevens discloses that the content support portion is configured to provide a rigid, generally planar surface to position and support the page axis and plurality of pages (see Figure 36; Jones), to enable at least two pivotally exposed pages, which are adjacent to and opposite each other and disposed one on each side of the page axis, in an arrangement commonly known as two spread pages, to be supported in a generally common plane (see Figure 36; Jones).

Regarding claim 25, Jones in view of Stevens discloses that the content support portion is configured to provide an articulated, pivotable page support surface, with at least one pivotal axis which is parallel and generally adjacent to the page pivotal axis to thereby enable the device to be conformable into a compact size when in a storage configuration (26C, Figure 29; Jones).

Regarding claim 27, Jones in view of Stevens discloses that the plurality of pages and the content support portion are configured to be compatible with each other to enable releasable attachment to each other (2C, 4C, Figures 28, 29, and 30 and column 21, lines 44-50; Jones).

Regarding claim 29, Jones in view of Stevens discloses that the content support portion is configured to provide a rigid, generally planar surface to position, support in a generally common plane and releasably attach, in a manner similar to a clipboard, at least one surface of a page provided with the content (see Figure 36; Jones; loop units

2D (similar to loop units 2C) releasably attach to at least one surface of a page provided with the content (column 21, lines 44-51)), to enable the content to be positioned to be optically conveyed and visually scanned with the viewer while maintaining focus (see Figures 34 and 35; Jones).

Regarding claim 31, Jones in view of Stevens discloses that the content support portion is configured as a generally planar surface provided with the content, which is positioned to be optically conveyed and visually scanned with the viewer while maintaining focus (see Figures 34, 35, and 36; Jones).

Regarding claim 37, Jones in view of Stevens discloses that the content support portion, the viewer, and the viewer pivotal chassis are pivotally conformable into a storage configuration that interposes the lenses of the viewer into a shielded position between the viewer pivotal chassis and the content support portion (see Figures 28 and 33; Jones).

Regarding claim 38, Jones in view of Stevens discloses that the content support portion, the viewer, and the viewer pivotal chassis are maintained in the storage configuration with releasable fasteners (column 22, lines 9-15; Jones).

Claims 26 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Stevens as applied to claims 22-25, 27, 29, 31, 32, 37-40, and 42 above, and further in view of Seamans et al. (U.S. Patent 5,204,776).

Regarding claims 26 and 30, Jones in view of Stevens discloses the claimed invention as described above except for each of the plurality of pages being configured as a transparent sleeve to enable at least two photographic stereographic pairs of the

content to be placed back to back and slidably inserted into each sleeve; so that the first and second opposite surfaces of each page display the image-bearing surfaces of the photographic stereographic pairs to enable the photographic stereographic pairs to be optically conveyed with the viewer. Seamans et al. discloses each of a plurality of pages being configured as a transparent sleeve to enable at least two photographic pairs of content to be placed back to back and slidably inserted into each sleeve (38, 39, 50, Figure 4 and column 3, lines 13-15 and 24-27); so that first and second opposite surfaces of each page display image-bearing surfaces of photographic stereographic pairs to enable the photographic stereographic pairs to be optically conveyed with a viewer (see Figure 7 and column 3, lines 31-37). It would have been obvious to one of ordinary skill in the art at the time the invention was made have each of the plurality of pages of Jones in view of Stevens be configured as a transparent sleeve as Seamans et al. suggests in order to allow a user to readily store the plurality of pages in a binder (column 1, lines 42-44; Seamans et al.).

Allowable Subject Matter

Claims 33-36 and 41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 28 is allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Claim 28 is allowable over the prior art for at least the reason the prior art fails to teach or reasonably suggest the plurality of pivotal pages, each having first and second opposite surface provided with the content, being configured so that the upright direction of the content is oriented towards the pivotal axis of the pages and the pages and the content support portion are compatibly configured to be releasably attached to each other so that the upright content of the first surfaces is oriented, attached, positioned, pivoted, and viewed sequentially with the viewer and then be released, reoriented, reattached, and repositioned to enable the upright content of the opposite second surfaces to be pivoted and thereby viewed sequentially with the viewer as claimed in the claimed combination.

Claims 33 and 41 are allowable over the prior art for at least the reason the prior art fails to teach or reasonably suggest adjusting the right lens together with and at the same time as the right occluding aperture and the left lens together with and at the same time as the left aperture as claimed in the claimed combination. The prior art discloses adjusting lenses and occluding apertures independently from one another, but not together.

Claims 34-46 are allowable over the prior art for at least the reason the prior art fails to teach or reasonably suggest the lenses and the occluding members all being adjusted simultaneously as claimed in the claimed combination. The means of adjustment to enable synchronized equidistant movement will adjust the lenses and occluding apertures all simultaneously.

Response to Arguments

Applicant's arguments with respect to claims 22-27, 20-32, 37-40, and 41 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer E Winstedt whose telephone number is (703) 305-0577. The examiner can normally be reached on 7:30 - 17:00 Mon. - Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Casandra Spyrou can be reached on (703) 308-1687. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

JW
October 30, 2001


Cassandra Spyrou
Supervisory Patent Examiner
Technology Center 2800